

In the instant case, the Commissioner has filed no response to the motion for attorney's fees under the EAJA. Therefore, the Commissioner neither asserts the decision below was not substantially justified nor takes issue with the reasonableness of the fees sought. Having reviewed the record and the plaintiff's itemized billing, the undersigned finds plaintiff has met all requirements to receive EAJA fees. The rates charged are consistent with fees allowed in previous cases and are properly computed.

III. Conclusion

Accordingly, it is RECOMMENDED plaintiff's motion for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. §2412(d), be GRANTED. ¹

It is further RECOMMENDED that plaintiff be awarded attorney's fees in the amount of \$1,238.99 and paralegal fees in the amount of \$230.00 for a total of \$1,468.99.

S / *William B. Mitchell Carter*

UNITED STATES MAGISTRATE JUDGE

¹Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 72(b) of the Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 88 L.Ed.2d 435, 106 S.Ct. 466 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6th Cir. 1987).